

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ADP-00 IO-13 INRE-00 SSO-00 NSCE-00

USIE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SS-15 CAB-09 COME-00 EB-11

FAA-00 USSS-00 AF-10 ARA-16 EA-11 NEA-10 SY-10 SCA-01

JUSE-00 SR-02 ORM-03 RSR-01 /176 W

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O R 011730Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 562

INFO AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

AMCONSUL MONTREAL

USUN NEW YORK 1656

C O N F I D E N T I A L 9059

E.O. 11652: GDS

TAGS: ICAO ETRN

SUBJECT: ICAO AIR SECURITY CONFERENCE: SOVIET PROTOCOLS

PLS PASS: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

MONTREAL FOR US REP ICAO

FRDM AMBASSADOR ROUNTREE

REF: ROME 8811

1. USDEL HAS REVIEWED SOVIET PROPOSALS FOR PROTOCOLS TO HAGUE AND MONTREAL CONVENTIONS (PROPOSALS BEING SENT SEPTTEL). AS INDICATED REFTTEL PROPOSAL WOULD CONSTITUTE CHANGE IN HAGUE AND MONTREAL BY CHANGING PHRASE IN PROVISION ON EXTRADITION TO CREATE GENERAL OBLIGATION TO RETURN OFFENDERS TO STATE OF
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REGISTRATION AND BY CHANGING PHRASE THAT STATE QTE MAY AT

ITS OPTION CONSIDER UNQTE TO QTE SHALL CONSIDER. UNQTE. WITH RESPECT TO IMPLICATIONS FOR U.S., PROTOCOLS WOULD CREATE OBLIGATION TO EXTRADITE HIJACKER ASSUMING THE INDIVIDUAL WOULD NOT FALL UNDER EXCEPTION ON UN PROTOCOL RELATING TO THE STATUS OF REFUGEES. THERE WOULD BE NO REPEAT NO OBLIGATION TO EXTRADITE NATIONALS, AND IN FACT UNDER PROVISIONS OF PROPOSED PROTOCOLS, U.S. LAW WOULD NOT ALLOW USG TO EXTRADITE U.S. NATIONALS.

2. SINCE MOST PROMISING FACTOR TO DATE IN PREPARATIONS FOR AND PROCEEDINGS OF CONFERENCE HAS BEEN EXTREMELY CLOSE U.S./SOVIET COOPERATION ON BROAD SPECTRUM OF ISSUES, USDEL CONSIDERS THAT FOR SUCH COOPERATION TO CONTINUE IT ESSENTIAL TO SUPPORT SOVIET PROPOSAL AS MODIFIED. THE MODIFICATIONS WERE MADE, TO LARGE EXTENT, AT U.S. SUGGESTION IN PRE-CONFERENCE CONSULTATIONS AND ARE VERY CLOSE TO LANGUAGE FORMULATION BOTH U.S. AND SOVIET DELEGATIONS AT HAGUE CONFERENCE (1970) SUPPORTED VERY ACTIVELY. SOVDEL SPECIFICALLY EMPHASIZED THIS FACT IN PRESENTING MODIFICATIONS PRIVATELY TO USDEL UPON ARRIVAL IN ROME. AS REFLECTED IN FOLLOWING PARAS, HOWEVER, USDEL WOULD NOT RPT NOT UTILIZE SAME RATIONALE USG USED AT HAGUE WHICH USDEL BELIEVES MIGHT CAUSE US SOME FUTURE DIFFICULTIES.

3. SINCE, AS REPORTED MY SEPTTEL, SOVIET PROPOSAL WILL COME BEFORE CONFERENCE FOR CONSIDERATION TUESDAY, SEPT. 4, USDEL STATEMENT AT THAT TIME IS ESSENTIAL IF U.S./SOVIET MOMENTUM IS TO BE PRESERVES.

4. URGENTLY REQUEST INSTRUCTIONS PERMIT CHAIRMAN USDEL TO MAKE BRIEF STATEMENT GENERALLY ALONG FOLLOWING LINES: USDEL BELIEVES EXTRADITION IS THE MOST VALUABLE DETERRENT TO HIJACKING. US, IN ITS EFFORTS TO IMPLEMENT THIS CONCEPT HAS BEEN ATTEMPTING TO MODERNIZE ITS EXTRADITION TREATIES WHEREIN THE EXTRADITION OF A HIJACKER WOULD BE EXCLUDED FROM THE STANDARD POLITICAL EXCLUSION CLAUSES. OUR SUPPORT FOR THE SOVIET PROPOSALS WOULD BE CONSISTENT WITH THAT EFFORT. FINALLY, USDEL COMPLIMENTS THE SOVIET DEL ON WISDOM OF MAKING EXTRADITION SUBJECT TO LOCAL LAWS SINCE SUCH PROVISION ESSENTIAL TO ATTRACT BROAD SUPPORT NECESSARY FOR ADOPTION OF PROPOSAL.

5. FYI RATIONALE FOR LAST STATEMENT IS USDEL'S CONCLUSION AFTER CONFIDENTIAL

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STUDY OF MODIFIED SOVIET PROPOSAL THAT QUESTION WHETHER ANY CATEGORY OF PERSONS IN US SHOULD BE EXEMPTED FROM EXTRADITION FOR HIJACKING IS ONE WHICH MUST BE RESOLVED BY CONGRESS. USDEL BELIEVES REFUGEE PROTOCOL WOULD NOT PROVIDE ANY SUCH EXEMPTION. IF PROPOSED SOVIET PROTOCOL IS ULTIMATELY ADOPTED, USDEL WOULD ADVOCATE CLOSE EXPLANATORY CONSULTATIONS WITH CONGRESS PARTICULARLY WITH MEMBERS OF BOTH COMMERCE COMMITTEES AND REFUGEE SUBCOMMITTEES. FOLLOWING SUCH CONSULTATIONS USG COULD THEN TAKE

DECISION ON WHETHER IMPLEMENTING LEGISLATION SHOULD BE SOUGHT
PRIOR TO OR COINCIDENTAL WITH REQUEST FOR ADVICE AND CONSENT
PRIOR TO RATIFICATION. END FYI.

6. IF REASONING IN FOREGOING PARA ACCEPTABLE TO DEPT, USDEL
WOULD INTEND TO RESPOND TO POSSIBLE PRESS OR OTHER INQUIRIES
ALONG LINES THAT IF PROTOCOLS WERE ADOPTED SPECIFIC MODALITIES
FOR THEIR OPERATION IN U.S. WOULD BE MATTER WE WOULD THINK
CONGRESS WOULD WISH TO CONSIDER. VOLPE

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